

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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Gzim Hasangjakaj, et., al.

Case No. 1:22-cv-02495

Plaintiffs,

ANSWER

v.

A & B Fulton Corp., Dema Balidemic (a/k/a
Dema Balidemaj), Julia Balidemic (a/k/a Julia
Balidemaj), and Amy Balidemic (a/k/a Amy
Balidemaj)

Defendants.

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Defendants A & B Fulton Corp., A & B Fulton Corp., Dema Balidemic (a/k/a Dema Balidemaj),
Julia Balidemic (a/k/a Julia Balidemaj), and Amy Balidemic (a/k/a Amy Balidemaj) (collectively,
“Defendants”) by and through their attorneys Spodek Law Group P.C., as and for its Answer to the
complaint (the “Complaint”) by the plaintiffs Gzim Hasangjakaj, Granit Hasangjakaj, Gentrud
Hasangjakaj (collectively, “Plaintiffs”), is as follows:

1. Defendants deny the allegations contained in Paragraph 1 of the Complaint, and respectfully refer all questions of law to the Court.
2. Defendants deny the allegations contained in Paragraph 2 of the Complaint, and respectfully refer all questions of law to the Court.
3. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint, and respectfully refer all questions of law to the Court.

4. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint, and respectfully refer all questions of law to the Court.

5. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint, and respectfully refer all questions of law to the Court.

6. Defendants admit the allegation contained in Paragraph 6 of the Complaint.

7. Defendants admit the allegation contained in Paragraph 7 of the Complaint.

8. Defendants admit the allegation contained in Paragraph 8 of the Complaint.

9. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint, and respectfully refer all questions of law to the Court.

10. Defendants admit the allegations contained in Paragraph 10 of the Complaint.

11. Defendants admit the allegations contained in Paragraph 11 of the Complaint.

12. Defendants admit the allegations contained in Paragraph 12 of the Complaint.

13. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint, and respectfully refer all questions of law to the Court.

14. Defendants admit the allegation contained in Paragraph 14 of the Complaint.

15. Defendants admit the allegation contained in Paragraph 15 of the Complaint.

16. Defendants admit the allegation contained in Paragraph 16 of the Complaint.

17. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint, and respectfully refer all questions of law to the Court.

18. Defendants admit the allegations contained in Paragraph 18 of the Complaint.

19. Defendants deny the allegations contained in Paragraph 19 of the Complaint.

20. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint, and respectfully refer all questions of law to the Court.

21. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint, and respectfully refer all questions of law to the Court.

22. Defendants admit the allegations contained in Paragraph 22 of the Complaint.

23. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint, and respectfully refer all questions of law to the Court.

24. Defendants admit the allegations contained in Paragraph 24 of the Complaint.

25. Defendants admit the allegations contained in Paragraph 25 of the Complaint.

26. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint, and respectfully refer all questions of law to the Court.

27. Defendants admit the allegations contained in Paragraph 27 of the Complaint.

28. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint, and respectfully refer all questions of law to the Court.

29. Defendants deny the allegations contained in Paragraph 29 of the Complaint.

30. Defendants deny the allegations contained in Paragraph 30 of the Complaint.

31. Defendants deny the allegations contained in Paragraph 31 of the Complaint.

32. Defendants admit the allegations contained in Paragraph 32 of the Complaint.

33. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint, and respectfully refer all questions of law to the Court.

34. Defendants deny the allegations contained in Paragraph 34 of the Complaint.

35. Defendants deny the allegations contained in Paragraph 35 of the Complaint.

36. Defendants deny the allegations contained in Paragraph 36 of the Complaint.

37. Defendants deny the allegations contained in Paragraph 37 of the Complaint.

38. Defendants deny the allegations contained in Paragraph 38 of the Complaint.

39. Defendants deny the allegations contained in Paragraph 39 of the Complaint.

40. Defendants deny the allegations contained in Paragraph 40 of the Complaint.

41. Defendants deny the allegations contained in Paragraph 41 of the Complaint.

42. Defendants deny the allegations contained in Paragraph 42 (inclusive of all subparts) of the Complaint.

43. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint, and respectfully refer all questions of law to the Court.

44. Defendants deny the allegations contained in Paragraph 44 of the Complaint.
45. Defendants deny the allegations contained in Paragraph 45 of the Complaint.
46. Defendants deny the allegations contained in Paragraph 46 of the Complaint.
47. Defendants admit the allegations contained in Paragraph 47 of the Complaint.
48. Defendants admit the allegations contained in Paragraph 48 of the Complaint.
49. Defendants deny the allegations contained in Paragraph 49 of the Complaint.
50. Defendants deny the allegations contained in Paragraph 50 of the Complaint.
51. Defendants deny the allegations contained in Paragraph 51 of the Complaint.
52. Defendants deny the allegations contained in Paragraph 52 of the Complaint.
53. Defendants deny the allegations contained in Paragraph 53 of the Complaint.
54. Defendants admit the allegations contained in Paragraph 54 of the Complaint.
55. Defendants admit the allegations contained in Paragraph 55 of the Complaint.
56. Defendants deny the allegations contained in Paragraph 56 of the Complaint.
57. Defendants deny the allegations contained in Paragraph 57 of the Complaint.
58. Defendants deny the allegations contained in Paragraph 58 of the Complaint.
59. Defendants admit the allegations contained in Paragraph 59 of the Complaint.
60. Defendants admit the allegations contained in Paragraph 60 of the Complaint.
61. Defendants deny the allegations contained in Paragraph 61 of the Complaint.
62. Defendants deny the allegations contained in Paragraph 62 of the Complaint.
63. Defendants deny the allegations contained in Paragraph 63 of the Complaint.
64. Defendants deny the allegations contained in Paragraph 64 of the Complaint.
65. Defendants deny the allegations contained in Paragraph 65 of the Complaint.
66. Defendants deny the allegations contained in Paragraph 66 of the Complaint.

67. Defendants deny the allegations contained in Paragraph 67 of the Complaint.

68. Defendants deny the allegations contained in Paragraph 68 of the Complaint.

69. Defendants deny the allegations contained in Paragraph 69 of the Complaint.

70. Defendants deny the allegations contained in Paragraph 70 of the Complaint.

71. Defendants deny the allegations contained in Paragraph 71 of the Complaint.

72. Defendants deny the allegations contained in Paragraph 72 of the Complaint.

73. Defendants deny the allegations contained in Paragraph 73 of the Complaint.

74. Defendants deny the allegations contained in Paragraph 74 of the Complaint.

75. Defendants deny the allegations contained in Paragraph 75 of the Complaint.

76. Defendants deny the allegations contained in Paragraph 76 of the Complaint.

77. Defendants deny the allegations contained in Paragraph 77 of the Complaint.

78. Defendants deny the allegations contained in Paragraph 78 of the Complaint.

79. Defendants deny the allegations contained in Paragraph 79 of the Complaint.

80. Defendants deny the allegations contained in Paragraph 80 of the Complaint.

81. Defendants deny the allegations contained in Paragraph 81 of the Complaint.

82. Defendants deny the allegations contained in Paragraph 82 of the Complaint.

83. Defendants deny the allegations contained in Paragraph 83 of the Complaint.

84. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint, and respectfully refers all questions of law to the Court.

85. Defendants deny the allegations contained in Paragraph 85 of the Complaint.

86. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 86 of the Complaint, and respectfully refers all questions of law to the Court.

87. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 87 of the Complaint, and respectfully refers all questions of law to the Court.

88. Defendants deny the allegations contained in Paragraphs 88 through 91 of the Complaint, and respectfully refers all questions of law to the Court.

89. Defendants deny the allegations contained in Paragraphs 92 through 97 of the Complaint, and respectfully refers all questions of law to the Court.

90. Defendants deny the allegations contained in Paragraphs 98 through 101 of the Complaint, and respectfully refers all questions of law to the Court.

91. Defendants deny the allegations contained in Paragraphs 102 through 107 of the Complaint, and respectfully refers all questions of law to the Court.

92. Defendants deny the allegations contained in Paragraphs 108 through 111 of the Complaint, and respectfully refers all questions of law to the Court.

93. Defendants deny the allegations contained in Paragraphs 112 through 115 of the Complaint, and respectfully refers all questions of law to the Court.

94. Defendants deny the allegations contained in Paragraphs 116 through 118 of the Complaint, and respectfully refers all questions of law to the Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

95. Plaintiffs' claims are barred by the applicable statute of limitations.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

96. Plaintiffs' damages were caused and/or are mitigated by his culpable conduct.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

97. Plaintiffs' claims are barred by the doctrine of laches, waiver, assumption of risk, unjust enrichment and unclean hands.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

98. Plaintiffs' claims are barred by the right of setoff.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

99. Plaintiff's collective action claims for relief are not appropriate because Defendants did not act pursuant to a uniform policy of plan, and Plaintiffs are not entitled to prejudgment interest, even if they prevail; Plaintiffs are not similarly situated to putative collective action persons they purport to represent.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

100. Defendants have complied with FLSA and NYLL wage and hour payment provisions.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

101. Defendants hereby gives notice that it intends to rely upon such other and further defenses as may become available during discovery in this action and reserves the right to amend its Answer to assert any such defenses.

WHEREFORE, Defendant requests judgment dismissing Plaintiff's Complaint with prejudice, and any other relief as this Court may deem just and proper.

DATED: New York, New York
May 31, 2022

/S/ Jeremy G. Feigenbaum
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TO: All Parties (Via ECF)

